

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

J.D. ADAMS,
Plaintiff,

v.

AMBER ALMANZA, ET AL.,
Defendants.

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Case No. 6:19-CV-544-JDK-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff J.D. Adams, an inmate proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On April 16, 2020, Judge Love issued a Report and Recommendation (Docket No. 13), recommending that the motion to dismiss filed by Defendants Almanza and Snell be granted. *Id.* at 9. Judge Love also recommended that Plaintiff's claims against Defendants Michael Sizemore, the Texas Department of Criminal Justice, and the University of Texas Medical Branch be dismissed with prejudice as frivolous and for failure to state a claim upon which relief may be granted. *Id.* A return receipt indicating delivery to Plaintiff was received by the Clerk on May 4, 2020. Docket No. 15.

This Court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a *de novo* review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Plaintiff did not file

objections in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").


Having reviewed the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation of the United States Magistrate Judge (Docket No. 13) as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 13) be **ADOPTED**. It is further

ORDERED that Defendants Almanza and Snell's motion to dismiss (Docket No. 12) be **GRANTED**. The claims against Defendants Almanza and Snell are **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief may be granted. It is further

ORDERED that the claims against Defendants Michael Sizemore, the University of Texas Medical Branch, and the Texas Department of Criminal Justice are **DISMISSED WITH PREJUDICE** as frivolous and for failure to state a claim upon which relief may be granted under 28 U.S.C. § 1915A(b)(1).

So **ORDERED** and **SIGNED** this **4th** day of **June, 2020**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE